

Minutes of the Planning Commission meeting held on Thursday, October 3, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ned Hacker, Chair
Sue Wilson, Vice Chair
Phil Markham
Scot Woodbury
Maren Patterson
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Jim McNulty, Community Development Manager
Briant Farnsworth, Deputy City Attorney
Citizens
Excused: Travis Nay

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Division Office.

Ned Hacker opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from the September 5, 2019 Planning Commission meeting. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for Andrew Dixon ADU and Second Chance Thrift Store. Seconded by Ms. Wilson.

A voice vote was made, motion passed 5-0.

LANOR KNIGHTON – 6530 South Rothmoor Drive - Project #19-122

LaNor Knighton was present to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) to be located on the property addressed 6530 South Rothmoor Drive, within the R-1-8 Zone. Mr. Smallwood explained the subject property is a single-family house located on the west side of Rothmoor Drive. The proposed ADU will be located in the basement of the existing single-family home, with an exterior entrance on the north side of the house with stairs leading down to the ADU. There is a connection to the main dwelling through the basement. The subject property is a single-family house located on approximately .25 acres (10,890 ft²) within the R-1-8 zone. The applicant would like to obtain a business license to rent out their basement that is already equipped with a second kitchen. Murray City Planning and Zoning considers this an accessory

dwelling unit. The applicant states that there are no planned additions or renovations currently proposed in association with the ADU. The proposed ADU consists of a kitchen/dining area, two bedrooms, a bathroom, a study and a small living area. There is a single entrance to the proposed ADU that connects to the main dwelling and exits to a previously constructed stairwell outside the house. The overall square footage of the existing home is 3,748 ft². The square footage of the proposed ADU is 881 ft², which is less than the 1,000 ft² allowed by the Murray City Land Use Ordinance. The 881 ft² represents 24% of the total, which is less than the 40% allowed by the ordinance. With adequate parking, the ADU should have minimal impact on the character of the single-family residential neighborhood in which it is located. The site plan submitted by the applicant shows a 31' wide, 30' deep driveway leading to a two (2) car garage. The driveway continues west along the side of the property to the rear property line. The driveway and garage will be able to provide the required parking for both the primary dwelling unit and the ADU as outlined in the ordinance. He stated that short term rentals are not allowed in an ADU. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed Accessory Dwelling Unit meets the requirements of the R-1-8 Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

LaNor Knighton, 6530 South Rothmoor Drive, stated she has reviewed the staff recommendations and will comply. She stated that she still has to install the smoke detectors but will do so along with the building permit. She stated the apartment was previously constructed when they purchased the home, but they are now making it a legal ADU with this process.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Ms. Patterson made a motion to approve a Conditional Use Permit to allow an Accessory Dwelling Unit on the property located at 6530 South Rothmoor Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
4. Access from the ADU to a circuit breaker panel shall be provided.
5. Appropriate egress windows and window wells shall be provided.
6. The applicant will obtain a Murray City Building Permit for any new work needed in conjunction with the ADU.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU, and will include general inspection of the items mentioned in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.

9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The applicant shall provide an additional two (2) off street parking spaces as required by Section 17.78.040(I) of the Murray City Land Use Ordinance for a total of four (4) off street spaces.
11. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
12. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Air B&B or VRBO.

Seconded by Mr. Woodbury

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Sue Wilson
 A Phil Markham
 A Travis Nay
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

HIDDEN TREASURES –284 East 4500 South - Project #19-097

Dana Williams was the applicant present to represent this request. Zac Smallwood reviewed the location and request to allow the operation of a secondhand thrift store to be located on the property addressed 284 East 4500 South within the C-D Zone. Mr. Smallwood explained that this is a retail shop for clothes, and shoes but the secondhand use is what determines this to be a Conditional Use. The applicant proposes to operate a secondhand thrift store in an approximately 4,300 square foot building at 284 East 4500 South. The proposed shop would use the entire building, and will offer various items for sale, such as housewares and refurbished appliances. There will be no employees but the owner herself. The subject property has been vacant for a number of years. Staff researched Business License files and determined the last Business License expired in 2005 when the building was being used as a nail salon. The applicant has provided floor plans indicating that they will use the building as it is currently configured without changes. The shop space is mostly open, with various rooms that were previously used when the building was as a single-family residence. The application includes two parcels. The applicant will need to consolidate the two lots within one (1) year after to the issuance of a business license. This will require a survey to be conducted and Staff level review and approval. To verify that the lot consolidation was completed a note

will be added onto the business license and if not completed; a renewal of the business license will not be allowed. Parking for retail businesses are calculated at the rate of five (5) spaces for every 1,000 square feet of net usable space. The building is approximately 4,300 square feet. Staff determined the required parking for the entire building to be eighteen (18) spaces. A review of the subject site indicates there are fifteen (15) spaces available. After staff review of the subject property additional parking cannot be installed on the site. Staff does not anticipate that the parking need of a secondhand retail establishment will be the same as a new retail facility for which the parking standard is intended. The Planning Commission has the authority to accept the existing parking as proposed. Staff recommends that no additional parking be required as part of this application. There are no ADA accessible parking spaces labeled at the subject property. One ADA parking space is required for this use and staff recommends that the applicant post and paint this space as their ADA accessible space. The existing landscaping does not meet the landscaping standards and requested that the property owners work with staff to bring the property into compliance with landscaping. He suggested that an additional condition be added that no outdoor storage be permitted on the property and that currently there appears to be a lot of outdoor storage on the property. Staff conducted a site visit and observed a trash enclosure on site. Staff has determined that the dumpster meets the requirements of Section 17.76.170 of the Land Use Ordinance. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed second-hand thrift store meets the requirements of the C-D Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report and the additional condition regarding no outdoor storage allowed on the site.

Mr. Woodbury asked about the parking. He stated that typically the proposed uses have been required to meet the parking requirements and this proposal does not. He asked if the staff or city engineer suggested reconfiguring the site so that it would meet the minimum parking requirements. He asked if different parking options for parking have been reviewed for this site to determine if it is possible to meet the minimum required so that the commission is consistent with all applications. Mr. Smallwood responded that city staff does not do site design for applicants, but in looking at the site constraints there doesn't seem to be enough room for additional parking stalls. Mr. Woodbury stated he wants to ensure that the planning commission is consistent with parking requirements for applications. Ms. Milkavich concurred with Mr. Woodbury's concerns. Mr. Smallwood stated he felt this approach is sufficient and that the property is constrained, and the nature of the business doesn't have the same level of impact that a restaurant may have. Mr. Woodbury asked how many employees will be at the proposed business. Mr. Smallwood responded the business will not have any employees and it will be only Ms. Williams and her husband working there.

Dana and Jacob Williams, 284 East 4500 South, stated they are the owners of the property. Ms. Williams stated she has reviewed the staff recommendations and will comply. Mr. Hacker stated that in order to obtain a business license, they would have to comply with the conditions of approval.

Ms. Williams stated that they feel their business will not need additional parking beyond the 15 parking stalls as is indicated on the site plan. She stated they anticipate only have 1-2 customers visiting their business at a time and it is a small vintage antique shop. She stated the business will be run by her and her husband and possibly at some point in time they may have one employee. Ms. Williams stated they work with estate sales to storage units and they get donations from time to time. She stated they have a section of the property to temporarily put metal recycling that is taken to a metal recycling place within a day or two. She asked if

they would be required to contain the temporary metal merchandise in a fence enclosed area or a storage container.

Mr. Markham commented that in light of the concern with the parking, the outdoor storage emphasizes the need to not have outdoor storage because it would take up potential parking. He asked staff what would need to be done to accommodate metal recycling or if an enclosure is appropriate. He stated he is concerned with that issue. Ms. Milkavich suggested defining the time frame for outdoor storage such as a day or two. Mr. Markham responded that having a time frame makes it difficult to enforce and monitor. He stated this issue was brought up during the zone map amendment application for this property a couple months ago.

Ms. Williams stated the storage area is not located in the parking area but is by the dumpster enclosure location. Mr. Woodbury asked if there is a dumpster on the property. Ms. Williams responded they do not have a dumpster enclosure and they take out their own garbage and often take items to the landfill. She stated they also do their own metal recycling. Mr. Williams stated they could take the metal and appliances to the landfill the day they acquire them, but their concern is that they would be throwing away a lot of waste. He stated they mainly have stoves and refrigerators and because of the freon in the refrigerators they have to be properly disposed of. He stated they have an arrangement with a company that will take them, but it is more economical for them to take eight of them at a time rather than one or two at a time. He stated they are willing to work with the commission in meeting conditions of approval.

Mr. Woodbury stated he would like to hear from staff on this issue. He asked if the applicants are not using a dumpster is that area sufficient for a designated outdoor storage area. Mr. Williams responded that they want to block it off either way because they want it to look nice because they have a lot of high-end clients that come to shop because they sell a lot of expensive antiques. Once the store is open for business, they have an incentive to make the place look nice. Ms. Williams stated the area with a tree is for a dumpster and is not utilized and they would like this area to contain the metal recycling. Mr. Williams suggested having an enclosed trailer in this area to store the appliances. Once the trailer is full, they would haul the appliances away. That would eliminate having to unload and reload appliances on the site. The trailer would be 14-16 feet in length and would not encroach into the parking area and would be located in the rear.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Markham asked staff to respond regarding the outdoor storage and what the options are for an enclosure or a trailer. Mr. Smallwood responded that the commission could approve an enclosure area for a dumpster or a trailer. Mr. Hall responded that the outdoor storage of items for to be hauled away would need to be screened or enclosed. Ms. Patterson clarified that there could be a trailer, but it would need to be fenced in. Mr. Markham stated that it would be possible to require that all materials must be stored inside the business or in a fully enclosed area that keeps the material out of sight. Mr. Smallwood responded that would be appropriate.

Ms. Wilson clarified that the request is for second-hand store and antique merchandise and questioned if the appliances should be included with the request. Mr. Smallwood responded that the appliances would fall under the same category as second-hand merchandise sales

items. Mr. Smallwood responded that the land use code dictates the definition and uses, and the code specifies second-hand merchandise.

Mr. Markham made a motion to approve a Conditional Use Permit to allow a secondhand retail store on the property located at 284 East 4500 South subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code standards.
2. The applicant shall obtain Murray City Building Permits for any interior remodeling or changes to the building.
3. The property shall consolidate the two lots within one (1) year of receiving their business license. Renewal of the business license will not be approved by Planning and Zoning if this is not complete.
4. The property owner shall work with Planning Division staff to provide an ADA compliant van accessible parking space on the site.
5. The applicants shall work with Planning Division staff to provide and implement a landscape plan that meets the requirements of Section 17.68 of the Land Use Ordinance.
6. The applicants shall obtain a Murray City Business License including a building inspection as part of the process and pay applicable fees prior to commencing operations at this location.
7. The project shall meet all requirements of the Murray City Fire Department.
8. The applicants shall obtain a sign permit prior to the installation of any attached business signage.
9. All material must be stored inside the business or in a fully enclosed area that keeps the material out of sight.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Sue Wilson
 A Phil Markham
 A Travis Nay
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

FIGHT CITY LLC -4671 South Cherry Street - Project #19-123

Eric Wahlin was present to represent this request. Zac Smallwood reviewed the location and request for a Fitness Facility from a commercial building located at the property addressed 4671 South Cherry Street. The Manufacturing General District (M-G) allows gymnasiums with a Conditional Use Permit. The applicant proposes to offer Fitness sessions at the facility from

3:00 p.m. to 9:00 p.m., Monday through Thursday and Friday 3:00 p.m. to 7:00 p.m. The applicant anticipates that at full capacity the facility could be used for up to 15 students per class. The applicant proposes to use the existing space without modifications. This space is part of a larger building (9,050 square feet) on a site .72 acres in size. The proposed space available is 2,700 square feet. The unit includes an open area which will be used for the Fitness activities and two (2) offices that will be used exclusively by the owners. There are two (2) restrooms in the unit. The principal entrance is on the west side, adjacent to the parking lot. There is an overhead and fire access door that allow for emergency access. Fitness facilities are not operated in the same manner as many other exercise facilities and gymnasiums. Students and members train only in scheduled sessions and classes, alleviating some of the demands for parking. The information supplied by the applicant indicates that up to fifteen (15) people will be attending the gym during the hours stated above.

According to the Institute of Traffic Engineer's Parking Generation Manual, 4th edition, 3.55 spaces per 1,000 square feet of gross floor area would be required for an Athletic Club use. Staff has determined that this would require ten (10) spaces. The applicant supplied a parking agreement with the property owner that designates up to eighteen (18) stalls for this unit and is attached for your review. Staff is confident that there are an adequate number of spaces available directly adjacent to the Fitness facility to accommodate the number of students at this location.

Exclusive of the access driveway, the property has approximately 290 feet of landscape frontage along Cherry Street. Section 17.68 of the Murray City Land Use Ordinance requires landscaping in the front setback area for commercial properties. This must include at a minimum: three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs for every one hundred (100) linear feet of property frontage. Based upon this requirement the front setback landscaping for this property must include a minimum of eight (8) trees, fifteen (15) 5-gallon shrubs and twenty-nine (29) 1-gallon shrubs. Though the property is well maintained, the property owner will be required to work with City Staff to provide a landscape plan and install the necessary landscape upgrades as a condition of approval.

Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed fitness facility meets the requirements of the M-G Zone and recommends that the Planning Commission approve a Conditional Use Permit (CUP) subject to the conditions as outlined in the Staff Report.

Mr. Woodbury clarified that the largest class would be at the 5:15 class, but the hours are from 3 p.m. to 9 p.m. He asked for clarification for the class schedules and potential overlapping of class and student vehicle parking.

Eric Wahlin, 4671 South Cherry Street, stated he has reviewed the staff recommendations and will comply with the conditions. He stated the classes start at 15 minutes after the hour (4:15, 5:15, etc.) and are 45-minute classes so there should be no overlap of student vehicle parking. He stated there are typically no more than 10 students per class.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Ms. Milkavich made a motion to approve a Conditional Use Permit to allow a fitness facility on the property located at 4671 South Cherry Street subject to the following conditions:

1. The applicant shall not conduct classes outside of the building.
2. The project shall meet all Building and Fire Codes.
3. The property shall comply with landscaping standards outlined in Chapter 17.68 of the Murray City Land Use Ordinance. The property owner shall work with Planning Division Staff to implement an appropriate Landscape Plan.
4. The applicants shall obtain a sign permit prior to the installation of any attached business signage.
5. The applicants shall obtain a Murray City Business License including a building inspection as part of the process and pay applicable fees prior to commencing operations at this location.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Sue Wilson
 A Phil Markham
 A Travis Nay
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

LAKE CITY MOTORS, LLC – 4195 South 500 West, #15 - Project #19-126

Sebastian Moncada was present to represent this request. Zac Smallwood reviewed the location and request to allow auto sales to be located on the property addressed 4195 South 500 West, #15 within the M-G Zone. Mr. Smallwood explained that this request is for auto sales located in Unit #15. The space is a 900 square foot open warehouse with a small office and restroom. No changes to the existing open floor plan are proposed. The floor plan shows a total of 4 vehicles to be parked inside the unit. The applicant states that as part of the lease agreement the business will have access to seven (7) total parking spaces excluding any parking inside the warehouse area. Staff has identified seven (7) parking spaces directly adjacent to this unit. The striped parking does not inhibit access into the building through the overhead door. Section 17.72 also requires one (1) van accessible ADA parking space which has not been provided in this area previously. The striping is in poor condition and will need to be repainted. Staff recommends that as a condition of approval, the applicant provide new striping for seven (7) spaces, one of which must be a van accessible ADA space. Because use of the overhead door will be limited, the area in front of the overhead door could be used to stripe the required loading/unloading area for the van accessible space. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission approve a Conditional Use Permit to allow an auto sales business on the property located at 4195 South 500 West, Unit #15, subject to conditions as outline in the Staff Report.

Mr. Woodbury asked about the sign attached to the building indicating Lake City Motors and if the sign meets the sign regulations and a building permit was obtained for installation of the

sign. He also asked if the business has been operating prior to this approval. Mr. Smallwood responded that he was not sure and deferred to the applicant for response and this application may have come through by way of code enforcement. He stated that the commission may wish to add a condition requiring a sign permit which is a separate permit as required in condition #5.

Sabastian Moncada, 4195 South 500 West #15, stated he has reviewed the staff recommendations and will comply. He stated he has not been in operation and a code enforcement officer ticketed one of his employees, but he was not operating the business at the time and they were still setting up the business. The ticket was dismissed at the court hearing on September 30th. He stated he is willing to get a sign permit for his sign.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Smallwood stated he did not see any concerns with the existing sign, but the applicant will need to obtain a permit for the sign.

Mr. Woodbury made a motion to approve a Conditional Use Permit to allow auto sales on the property located at 4195 South 500 West, Unit #15, subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code standards.
2. The property owner shall stripe the parking area with seven (7) parking spaces, including one (1) ADA compliant van accessible space.
3. The applicant shall keep no more than six (6) vehicles for sale at any time on the property.
4. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
5. The applicant shall obtain Murray City Building Permits for any work necessary on the property.
6. The applicant shall obtain a Murray City Business License before commencing sales at this location.
7. The applicant shall obtain a sign permit prior to hanging any outdoor signs for the business.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Sue Wilson
 A Phil Markham
 A Travis Nay
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

WYNWOOD PHASE 1 AMENDED SUBDIVISION – 6640 South 700 West - Project #19-119

Jacob Ballstaedt was present to represent this request. Zac Smallwood reviewed the location and request for an amendment for 10 lots in the Wynwood Phase 1 Subdivision. The property is located at 6640 South 700 West., in the R-1-6 Zone. Section 16.12.110 of the Murray City Subdivision Ordinance requires that amendments to recorded subdivision plats be made in accordance with State Law and with policies and procedures adopted by the City. Utah State Code Section 10-9a-608 allows for the amendment of a recorded subdivision plat, including a subdivision of property that “will not result in a violation of a land use ordinance”. The subject property consists of Lots 155, 156, 157, 160, 161, 162, 163, 164, 166 & 167 of the Wynwood Phase 1 Subdivision. The lots are located off of 700 West along Swinley and Ellerston Drive. After these lots were created the boundary line was disputed between the adjacent property owner. The request to amend this Subdivision is the result of the dispute being resolved between the two owners. The subject lots are vacant and under one ownership until they are sold to potential buyers. All the lots meet the minimum area and width requirements for the R-1-6 zone. Murray City Code Title 16, Subdivision Ordinance, outlines the requirements for subdivision review. Utah State Code (10-9a-604) states that a subdivision plat may not be recorded until approved by the Land Use Authority of the City. The Planning Commission’s role as the Land Use Authority is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission makes investigations, reports and findings on proposed subdivisions as to their conformance to the General Plan and Title 17 of City Code, and other pertinent documents as it deems necessary. The plat is then forwarded to the Salt Lake County Recorder’s office for review and recording. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission approve the Wynwood Phase 1 Amended Subdivision for the properties located at approximately 6640 South 700 West, Lots 155, 156, 157, 160, 161, 162, 163, 164, 166 and 167 subject to conditions outlined in the Staff Report.

Jacob Ballstaedt, 273 No. East Capitol Street, Salt Lake City, stated he is representing Garbett Homes with this development. He stated he has read the staff recommendations and will comply. He stated most of the conditions have been met. He stated the Boundary Line Adjustment has been completed.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Ms. Wilson made a motion to approve the Wynwood Phase 1 Amended Subdivision for the properties located at approximately 6640 South 700 West, Lots 155, 156, 157, 160, 161, 162, 163, 164, 166 and 167 subject to the following conditions:

1. The applicant shall meet all requirements of the Murray City Engineer including the following:
 - Meet City subdivision plat requirements
 - Provide standard PUE’s on Amended lots.
2. The applicant shall meet all applicable building and fire codes.
3. The applicant shall provide complete plans, structural calculations and soils reports

stamped and signed by the appropriate design professionals at the time of submittal for building permits.

4. The subdivision shall meet all Murray City Water and Sewer Division requirements.
5. The applicant shall meet all Murray City Power Department requirements.
6. The applicant shall meet all requirements of the R-1-6 Zone outlined in the Land Use Ordinance Section 17.96.
7. The applicant shall provide a copy of the executed Boundary Line Adjustment to City Staff.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Sue Wilson
 A Phil Markham
 A Travis Nay
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

CALLAWAY VIEW SUBDIVISION – 1104 West Winchester Street - Project #19-111

Cory Nielsen was present to represent this request. Zac Smallwood reviewed the location and request for an 11-lot, single-family, residential subdivision on the property located at 1104 West Winchester Street, in the R-1-6 Zone. The application was reviewed for Preliminary Subdivision and was approved on September 5, 2019. The property is under review for Final Subdivision Review. Mr. Smallwood stated that most all of the conditions have been completed at this time. The 11-lots are located off Callaway View Court., which is a public street. Per the request of the applicant, it was proposed that the word "vinyl" be removed from condition number three. The applicant has proposed to install a wrought iron fence along the rear property line. Staff is comfortable with the change if the Planning Commission finds it agreeable. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission forward a recommendation of approval for the Final Subdivision for the Callaway View Subdivision.

Cory Nielsen, 1583 East 6670 South, stated he has reviewed the staff recommendations and will comply with the conditions. Mr. Nielsen added that he is requesting to install a wrought iron fence on the far north and east property lines. Mr. Woodbury commented that he does not believe a vinyl fence is a good idea around a golf course.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Ms. Paterson made a motion to that the Planning Commission approve the Final Subdivision for the proposed Callaway View Subdivision on the property addressed 1104 West Winchester Street subject to the following conditions with the changes as discussed:

1. The project shall meet the following Murray City Engineering requirements:
 - a. Meet City subdivision requirements.
 - b. Provide 3' wide roadway dedication along Winchester Street frontage
 - c. Provide grading, drainage, and utility plan and profile drawings.
 - d. Meet City drainage standards, on-site detention/retention is required.
 - e. Provide standard PUE's on lots.
 - f. Provide a site geotechnical study.
 - g. Obtain Jordan Valley Water Conservation District approval for the sewer main crossing at the 33" transmission line.
 - h. Vacate any unused easements within the proposed subdivision, relocated communication pedestals that conflict with the proposed sidewalk.
 - i. Raise the overhead communications lines to provide 15.5' vertical clearance at the subdivision entrance.
 - j. Develop a site Storm Water Pollution Prevention Plan (SWPPP) and obtain a City Land Disturbance Permit prior to beginning any site demolition or grading work.
 - k. Obtain a City Excavation Permit for work with City roadways
 - l. Obtain temporary construction easement/agreement for storm drain connection within the City golf course property.
2. The project shall meet all applicable building and fire codes including cul-de-sac and right-of-way widths.
3. The plans shall indicate the 6' fence to be installed on the perimeter of the subdivision.
4. The plans shall indicate the location of street lights as approved by the Murray City Power Department.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Scot Woodbury
 A Phil Markham
 A Sue Wilson
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

5729 COTTAGES – 5729 South 700 West - Project #19-125

Mark Snow was present to represent this request. Zac Smallwood reviewed the location and request for a 2-lot, single-family, residential subdivision on the property located at 5729 South 700 West. The property is under review for Preliminary and Final Subdivision Review. The property was recently re-zoned from R-1-8 to R-1-6 which enables the property to be subdivided into two lots. The property suffered a fire which led to the ultimate demolition of the dwelling. Lot-1 which is on the corner of 700 West facing Anderson Ave. is 7,815 Sq. feet and

Lot-2 which is on the east side is 7,865 sq. ft. also facing Anderson Ave. Both meet the 6,000 sq. ft. minimum. The applicant is working with City Engineering Staff to alter the PUE lines on the rear property line. Each property will meet all set-back and height regulations of the ordinance. The existing fence is proposed to remain. The property will be required to install typical improvements which will include new sidewalk along Anderson Ave. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission approve the proposed Preliminary and Final Subdivision for the property addressed 5729 South 700 West.

Mark Snow, 7777 South 300 East, stated he has reviewed the staff recommendations and will comply with the conditions.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Markham commented that this is a wonderful project that is important for the neighborhood to allow it to move on from what had transpired there.

Mr. Woodbury made a motion to that the Planning Commission approve the proposed Preliminary and Final Subdivision, known as the 5729 Cottages on the property addressed 5929 South 700 West subject to the following conditions:

1. The project shall meet the following Murray City Engineering requirements:
 - a. Meet City subdivision requirements.
 - b. Provide Right of Way dedication at the Northwest Corner of Lot 1 (15' Radius)
 - c. Provide grading, drainage and utility plans and meet City drainage requirements.
 - d. Provide standard Public Utility Easements (PUEs) on the proposed lots (5' side and 10' front and rear).
 - e. Install sidewalk along Anderson Avenue property frontage and repair any damaged sidewalk along 700 West property frontage.
 - f. Repair any damage curb and gutter along 700 West and Anderson Avenue property frontages.
 - g. Obtain a City Excavation Permit for work within City roadways.
2. The project shall meet all applicable building and fire codes.
3. The applicant shall provide a TV Inspection to the Water and Sewer Division for inspection and follow any recommendations that may be required.
4. The applicant shall not place any water meters within a drive approach.
5. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

A Scot Woodbury
A Lisa Milkavich
A Sue Wilson
A Phil Markham
A Maren Patterson
A Ned Hacker

Motion passed 6-0

LAND USE TEXT AMENDMENT – Title 17.48, Off-Premise Sign Regulations Amendment – Project #19-069

Jim McNulty presented the proposed Land Use Ordinance Chapter 17.48, of the Murray City Municipal Code regulating Off-Premise Signs and amending the Land Use Ordinance. The amendment is in relation to Off-Premise Signs and Outdoor advertising. The proposed new definitions are to sections: 17.48.040: Definitions, 17.48.260: Off-Premise Signs, 17.48.270: Height Adjustments & Relocation for Existing Outdoor Advertising Signs, 17.48.280: Electronic Message Center Signs. Other definitions have been removed from this section as they are already located within the definitions section of the Sign Code. Utah Code, Sections 10-9a-512 & 10-9a-513 addresses non-conforming Off-Premise advertising signs as well as allowed maintenance. The proposed language in this section is being revised allowing for an owner of an Off-Premise Sign to make repair, refurbish, repaint, modify, or upgrade or otherwise keep legal non-conforming Off-Premise signs safe and in a state suitable for use. This would allow these types of signs to upgrade from a static message to an Electronic Message Center Sign (EMC). Mr. McNulty addressed the height adjustment & relocation for existing signs within Utah Code, Sections 72-7-507 and 72-7-510 which addresses height adjustments and relocation for existing off-premise signs. The proposed language in this section allows for the relocation of a sign within 5,280 feet of its prior location, and no closer than 300 feet from another off-premise sign along the same side of a street, highway or interstate. This section also includes language allowing for additional height for non-interstate highway oriented off-premise signs and interstate oriented off-premise signs. Mr. McNulty addressed the Electronic Message Center Signs within Utah Code, Section 10-9a-513 that allows for a sign owner to structurally modify or upgrade a billboard. The proposed language in this section allows for an interstate oriented off-premise sign to have an EMC adjacent to I-15 and I-215 without conditional use approval if located a minimum of 300 feet away from a residential use. This section also allows for a non-interstate highway oriented off-premise sign to have an EMC with conditional use approval if located a minimum of 300 feet away from a residential use. Murray City has some of these types of signs located on I-15 and I-215 and some on other primary interior City streets. Any proposed modifications made to these signs will require Conditional Use Permit Review. Mr. McNulty reviewed the findings and stated that the proposed text amendments are consistent with the Utah Code, Section 10-9a-512 through 513, 72-7-507, and 72-7-510. The proposed text amendments are consistent with the purpose of Title 17, Murray City Land Use Ordinance and with the Goals & Policies of the Murray City General Plan. The proposed changes will allow our Code to be compliant with Utah State Code. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed ordinance amendments to Chapter 17.48, Off-Premise Signs within the Murray City Municipal Code.

Ms. Milkavich asked if Section 10-9a-513, which allows for an interstate oriented off-premise sign to have an EMC adjacent to I-15 and I-215 without conditional use approval if located a minimum of 300 feet away from a residential use is the same as our existing sign code. Mr. McNulty stated that we're proposing that to be compliant with State Code.

Mr. Woodbury thanked Staff for being so thorough on these amendments. Mr. Hacker agreed.

Mr. Patterson made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed ordinance amendments to Chapter 17.48, Off-Premise Signs within the Murray City Municipal Code.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Sue Wilson
 A Lisa Milkavich
 A Phil Markham
 A Scot Woodbury
 A Ned Hacker

Motion passed 6-0

POLICIES AND PROCEDURES – Planning Commission Policies and Procedures amendment regarding Deadline submission of materials for Planning Commission Meetings

Zac Smallwood stated that on August 8, 2019, the Planning Commission had a discussion in regard to any material submitted to the Commissioners at Public Hearings, such as detailed reports, annotated images. He stated that regardless if the material was reviewed or accepted at the meeting, it could become part of the record. If an appeal were to happen then the material could be taken into account without review of the materials by the Planning Commissioners. If materials are submitted prior to the deadline and the Commission does not have time to adequately review the material, they may decide to postpone a decision to allow for time to review the material. Staff will make efforts to communicate this requirement to applicants and the general public. The City has proposed to set a deadline for acceptance of submitted materials for Public Hearings which is 1 p.m. two days prior to the meeting. This is an amendment to the Policies and Procedures and Staff recommends that the Planning Commission adopt the proposed changes to the Murray City Planning Commission Policies and Procedures.

Mr. Woodbury stated that the 48-hour rule seems to be a recommendation from Utah Code. He stated if the proposed requirement allows for a longer time period, would it be possible that we could get a complaint about being different. Mr. Smallwood replied no, and we did reach out to Meg Ryan with the Utah League of Cities and Towns and she informed us that there is not any State Law requiring a certain amount of time a citizen can present information.

Mr. Markham asked if the new policy would prohibit a citizen from giving us a simple photo or presenting a small petition during the public comment portion when they are speaking. Mr. Smallwood replied, that someone could still submit a small annotated photo or document if it is something that can be easily considered at the moment. If the material is larger and requires more time to consider, then the Planning Commissioners have the option to turn it away or continue the item to review submittals that may have an important impact on the item. Mr. Hacker commented that this makes the deadline timelines clearer to those who may want to submit materials.

Mr. Markham made a motion that the Planning Commission adopt the amendments to the Murray City Planning Commission Policies and Procedures concerning the submission of material for review by the Planning Commission which states: "The deadline for submitting handouts and materials by the applicants and others is established as no later than 1 p.m. two days prior to the meeting. If materials are submitted prior to the deadline and the Commission does not have time to adequately review the material, they may decide to postpone a decision to allow for time to review the material. Staff will make efforts to communicate this requirement to applicants and the general public".

Seconded by Ms. Milkavich.

A voice vote was taken.

In favor: 6
Opposed: 0

Motion passed 6-0

OTHER BUSINESS

Mr. Hacker added to the record that Travis Nay is excused from this meeting.

Mr. Smallwood stated that the agenda scheduled for October 17, 2019 will be a big meeting. It will include the new City Hall building and M.C.C.D. changes. Ms. Patterson stated that she will not be able to attend. Mr. Hacker asked for additional information regarding the training planned for October 24, 2019. Mr. Smallwood stated that the training is schedule but the content has not been announced yet. We will be discussing the update of the packets in preparation to post them online. Mr. Markham stated that it is a good idea to have the packets posted online and strongly encouraged it.

Mr. Hall stated that we do have an idea for training but this year we want to leave a lot of time for an open forum for questions or discussion and from the Commissioners about policies, projects, or concepts. The training will include Hearing Officers as well as the Planning Commissioners.

The meeting was adjourned at 7:52 p.m.



Jared Hall, Planning Division Manager